

Message Text

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INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

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USIA-15 EB-07 COME-00 MC-02 ACDA-10 FEAE-00 IO-10

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P 171820Z SEP 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 2940

USMISSION EC BRUSSELS PRIORITY

ERDA GERMANTOWN PRIORITY

NRC BETHESDA PRIORITY

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NRC FOR LAFLEUR

E. O. 11652: N/A

TAGS: TECH, GW

SUBJECT: NRC/BMI ARRANGEMENT FOR COOPERATION IN
NUCLEAR FACILITIES SAFETY

REF: LAFLEUR-FRASURE TELCONS

EMBASSY REQUESTS NRC APPROVAL OF DRAFT TEXT ON
NUCLEAR FACILITIES SAFETY COOPERATION IN ORDER
TO BEGIN FINAL PREPARATIONS FOR PROPOSED OCTOBER
SIGNING.

BEGIN TEXT:

ARRANGEMENT

BETWEEN

THE FEDERAL MINISTER OF THE INTERIOR

OF THE FEDERAL REPUBLIC OF GERMANY

AND

THE UNITED STATES NUCLEAR REGULATORY COMMISSION

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ON

CO-OPERATION IN THE FIELD OF NUCLEAR FACILITIES SAFETY
APPROVAL OF NUCLEAR FACILITIES,

- WITH THE OBJECTIVE OF IMPROVING THE SAFETY OF NUCLEAR
FACILITIES AND OF PREVENTING ANY HARMFUL EFFECTS ON
THE ENVIRONMENT,

- CONSIDERING THE TECHNICAL EXCHANGE AND CO-OPERATIVE
ARRANGEMENTS CONCLUDED BETWEEN THE FEDERAL MINISTER
FOR RESEARCH AND TECHNOLOGY OF THE FEDERAL REPUBLIC
OF GERMANY AND THE FORMER UNITED STATES ATOMIC
ENERGY COMMISSION IN THE FIELDS OF RESEARCH AND
DEVELOPMENT ON REACTOR SAFETY AND OF MANAGEMENT OF
RADIOACTIVE WASTES,

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

THE BMI AND THE NRC SHALL EXCHANGE INFORMATION ON
TECHNICAL SAFETY AND PHYSICAL SECURITY OF NUCLEAR
INSTALLATIONS. INFORMATION ON ENVIRONMENTAL IMPACT OF
SUCH INSTALLATIONS IS EXCHANGED TO THE EXTENT THAT
THE RESPECTIVE RESPONSIBILITIES OF THE CONTRACTING
PARTIES PERMIT. THIS COMPRISES:

(1) REPORTS ON TECHNICAL SAFETY AND ENVIRONMENTAL
EFFECTS PREPARED BY, OR ON BEHALF OF, THE AGENCIES
RESPONSIBLE FOR REGULATORY MATTERS AS THE BASIS FOR OR
IN SUBSTANTIATION OF REGULATORY DECISIONS OR POLICIES.

(2) IMPORTANT LICENSING ACTIONS AS WELL AS
DECISIONS ON SAFETY AND THE ENVIRONMENT AFFECTING THE
SAID FACILITIES.

(3) REPORTS ON OPERATIONAL EXPERIENCES, SUCH AS ON
INCIDENTS, ACCIDENTS AND SHUT-DOWNS, AS WELL AS
INFORMATION ON THE PEDIGREE AND DATA HITHERTO
ESTABLISHED ON THE RELIABILITY OF COMPONENTS AND
SYSTEMS.

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(4) REGULATORY PROCEDURES FOR ASSESSING THE SAFETY
AND EFFECTS ON THE ENVIRONMENT OF SUCH NUCLEAR

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ERDA GERMANTOWN PRIORITY

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FACILITIES.

ARTICLE 2

THE NRC AND THE BMI SHALL CO-OPERATE IN THE
DEVELOPMENT OF REGULATORY STANDARDS FOR SUCH NUCLEAR
FACILITIES.

(1) THE TWO SIDES SHALL INFORM EACH OTHER ABOUT
MATTERS FOR WHICH REGULATORY STANDARDS ARE BEING
DEVELOPED, OR THE DEVELOPMENT OF WHICH IS PROPOSED,
AND ABOUT APPROXIMATE TIME-TABLES FOR THE IMPLEMENTATION
OF SUCH DEVELOPMENT ACTIVITIES.

(2) IN ORDER TO AVOID UNNECESSARY DUPLICATION OF
WORK, ARRANGEMENTS SHALL BE CONCLUDED FROM TIME TO
TIME AS FAR AS PRACTICABLE ON THOSE STANDARDS IN
RESPECT OF WHICH ONE SIDE OR THE OTHER WILL TAKE ON
THE LARGER PROPORTION OF THE DEVELOPMENT WORK. THESE
SHALL BE STANDARDS LIKELY TO BE USEFUL TO BOTH

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COUNTRIES.

(3) COPIES OF THE REGULATORY STANDARDS WHICH MUST BE APPLIED, OR HAVE BEEN PROPOSED FOR APPLICATION, BY THE AGENCIES OF THE RESPECTIVE PARTIES OF THIS ARRANGEMENT SHALL BE MADE AVAILABLE BY EITHER CONTRACTING PARTY TO THE OTHER CONTRACTING PARTY ON A TIMELY BASIS.

ARTICLE 3

THE CONTRACTING PARTIES AGREE THAT REPORTS AND THE DEVELOPMENT OF STANDARDS OUTSIDE THE REGULATORY PROGRAMME OF THE NRC OR OUTSIDE THE PURVIEW OF THE BMI RELATING TO THE SAFETY OF NUCLEAR FACILITIES AND RADIATION PROTECTION SHALL NOT BE INCLUDED IN THE PRESENT ARRANGEMENT.

ARTICLE 4

(1) THE EXCHANGE OF INFORMATION UNDER THE PRESENT ARRANGEMENT SHALL TAKE PLACE IN THE FORM OF LETTERS, REPORTS AND OTHER DOCUMENTS AS WELL AS VISITS AND MEETINGS AGREED IN ADVANCE.

(2) ANNUALLY OR AT OTHER INTERVALS TO BE AGREED MEETINGS WILL BE HELD TO REVIEW THE PROGRESS OF CO-OPERATION, TO RECOMMEND CHANGES AND DISCUSS QUESTIONS FALLING WITHIN THE FRAMEWORK OF THE PRESENT ARRANGEMENT. THE DATE, VENUE AND AGENDA FOR SUCH MEETINGS SHALL BE AGREED ON IN ADVANCE.

ARTICLE 5

EACH CONTRACTING PARTY SHALL DESIGNATE AN ADMINISTRATOR TO CO-ORDINATE ITS SHARE OF THE CO-OPERATIVE EFFORT.

(1) THE ADMINISTRATORS SHALL BE THE RECIPIENTS OF ALL DOCUMENTS TRANSMITTED WITHIN THE FRAMEWORK OF CO-OPERATION, WHICH, UNLESS OTHERWISE AGREED, SHALL ALSO INCLUDE COPIES OF ALL LETTERS. THE ADMINISTRATORS SHALL BE RESPONSIBLE FOR THE DEVELOPMENT OF CO-OPERATION UNDER THE TERMS OF THE PRESENT ARRANGEMENT. THEY SHALL ALSO CONCLUDE ARRANGEMENTS ON NUCLEAR FACILITIES

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INTENDED TO BE THE OBJECT OF THE EXCHANGE OF INFORMATION, ON SPECIAL DOCUMENTS AND STANDARDS TO BE EXCHANGED, AS WELL AS ON STANDARDS DEVELOPMENT WORK TO BE CO-ORDINATED.

(2) EVERY THREE MONTHS EACH ADMINISTRATOR SHALL WRITE TO HIS COLLEAGUE LISTING THE TITLES OF ALL DOCUMENTS TRANSMITTED IN THE PREVIOUS THREE MONTHS WITHIN THE FRAMEWORK OF THIS EXCHANGE.

(3) THE ADMINISTRATORS SHALL DETERMINE HOW MANY COPIES OF THE DOCUMENTS SHALL BE EXCHANGED. EACH DOCUMENT SHALL, WHERE POSSIBLE, BE ACCOMPANIED BY A SUMMARY OF LESS THAN 250 WORDS DESCRIBING THE SUBJECTS AND CONTENTS.

(4) THESE INDIVIDUAL ARRANGEMENTS SHALL ENSURE, AMONG OTHER THINGS, THE ACHIEVEMENT AND MAINTENANCE OF A

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FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 2942

USMISSION EC BRUSSELS PRIORITY

ERDA GERMANTOWN PRIORITY

NRC BETHESDA PRIORITY

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REASONABLY BALANCED EXCHANGE OF INFORMATION.

ARTICLE 6

IN GENERAL, INFORMATION RECEIVED BY EACH CONTRACTING PARTY MAY BE DISSEMINATED FREELY WITHOUT FURTHER

APPROVAL BY THE OTHER CONTRACTING PARTY.

(1) PRIVILEGED INFORMATION, E.G. PRIVATE, PROPRIETARY, COMPANY CONFIDENTIAL AND OTHER INFORMATION SUPPLIED BY THE SENDING PARTY ON THE UNDERSTANDING AND UNDER THE CONDITION THAT THE RECIPIENT PARTY WILL PREVENT THE UNAUTHORIZED DISCLOSURE OF THE INFORMATION, SHALL BE DESIGNATED AS SUCH BY THE SENDING PARTY AND BE CLEARLY STAMPED WITH THE WORDS "NOT FOR DISSEMINATION WITHOUT APPROVAL OF THE BMI OR THE NRC". THE RECIPIENT PARTY MAY NOT DISSEMINATE SUCH PRIVILEGED INFORMATION WITHOUT PRIOR WRITTEN APPROVAL OF THE SENDING PARTY:

- ON THE AMERICAN SIDE OUTSIDE THE NRC AND
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CONSULTANTS AND ASSISTING AGENCIES OF THE FEDERAL GOVERNMENT.

- ON THE GERMAN SIDE OUTSIDE THE FEDERAL GOVERNMENT, ITS ADVISERS AND THE AGENCIES ACTING ON ITS BEHALF.

(2) IF WIDER DISSEMINATION IS EITHER REQUIRED BY THE LEGISLATION OF EITHER CONTRACTING PARTY OR DESIRABLE ON ACCOUNT OF OTHER CIRCUMSTANCES, THE PARTIES TO THIS ARRANGEMENT SHALL CO-OPERATE WITH EACH OTHER IN DEVELOPING PROCEDURES FOR REQUESTING SUCH APPROVAL, IF NEEDED, AND BY RESPONDING, AS FAR AS THEIR OWN LEGISLATION OR REGULATION MAKES IT POSSIBLE, TO THE REQUEST OF THE RECEIVING PARTY FOR DISSEMINATION.

(3) IF, HOWEVER, AN OBLIGATION TO DISSEMINATE EVEN WITHOUT THE APPROVAL OF THE SENDING PARTY HAS TO BE CONSIDERED AS A RESULT OF AN APPLICATION CONSISTENT WITH THE NATIONAL LAW OF THE RECIPIENT PARTY, THE RECIPIENT PARTY UNDERTAKES TO INFORM THE SENDING PARTY WITHOUT DELAY AND, ON THE BASIS OF THE PROVISIONS OF ITS LAWS, PUT FORTH RELEVANT ARGUMENTS AGAINST DISSEMINATION.

(4) THE APPLICATION OR USE OF ANY INFORMATION EXCHANGED OR TRANSFERRED BETWEEN THE CONTRACTING PARTIES UNDER THE PRESENT ARRANGEMENT SHALL BE THE RESPONSIBILITY OF THE PARTY RECEIVING IT. THE TRANSMITTING PARTY DOES NOT WARRANT THE SUITABILITY OF SUCH INFORMATION FOR ANY PARTICULAR USE OR APPLICATION.

ARTICLE 7
INFORMATION EXCHANGED UNDER THE PRESENT ARRANGEMENT

SHALL BE SUBJECT TO THE PATENT PROVISIONS IN THE
PATENT ADDENDUM TO THIS ARRANGEMENT.

ARTICLE 8

THE CONTRACTING PARTIES AGREE THAT THEIR ABILITY TO
CARRY OUT THEIR OBLIGATIONS IS SUBJECT TO THE
AVAILABILITY OF APPROPRIATED FUNDS.
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ARTICLE 9

NO PROVISION HAS BEEN MADE FOR RECIPROCAL COST
REIMBURSEMENT BETWEEN THE CONTRACTING PARTIES. BOTH
CONTRACTING PARTIES SHALL BEAR THE COSTS INCURRED
IN THEIR AREA OF COMPETENCE.

ARTICLE 10

SOME INFORMATION OF THE TYPE COVERED IN THIS
ARRANGEMENT IS NOT AVAILABLE WITHIN THE ORGANIZATIONS
AND FACILITIES OF THE PARTIES OF THIS ARRANGEMENT,
BUT IS AVAILABLE IN OTHER AGENCIES OF THE GOVERNMENTS.
EACH PARTY UNDERTAKES TO ASSIST THE OTHER BY
ORGANIZING VISITS AND DIRECTING INQUIRIES ABOUT
INFORMATION TO THESE OTHER AGENCIES. THIS, OF COURSE,
DOES NOT CONSTITUTE A COMMITMENT OF OTHER AGENCIES TO
FURNISH SUCH INFORMATION.

ARTICLE 11

THE PRESENT ARRANGEMENT SHALL ALSO APPLY TO LAND
BERLIN, PROVIDED THAT THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY DOES NOT MAKE A CONTRARY
DECLARATION TO THE GOVERNMENT OF THE UNITED STATES

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TO SECSTATE WASHDC PRIORITY 2943

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OF AMERICA WITHIN THREE MONTHS FROM THE DATE OF
ENTRY INTO FORCE OF THE ARRANGEMENT.

ARTICLE 12

THE PRESENT ARRANGEMENT SHALL REMAIN EFFECTIVE FOR
FIVE YEARS. IT MAY BE EXTENDED BY MUTUAL AGREEMENT.
THIS ARRANGEMENT MAY BE TERMINATED AT ANY TIME BY
EITHER CONTRACTING PARTY, UPON SIX MONTHS' WRITTEN
NOTICE TO THE OTHER CONTRACTING PARTY.

ARTICLE 13

THE PRESENT ARRANGEMENT SHALL ENTER INTO FORCE ON THE
DATE OF SIGNATURE THEREOF.

DONE AT..... ON

IN DUPLICATE IN THE GERMAN AND ENGLISH LANGUAGES, BOTH
TEXTS BEING EQUALLY AUTHENTIC.

THE FEDERAL MINISTER FOR THE UNITED STATES NUCLEAR
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OF THE INTERIOR REGULATORY COMMISSION
OF THE FEDERAL REPUBLIC
OF GERMANY

DR. G. HARTKOPF RICHARD T. KENNEDY

HILLENBRAND

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